

Serial No.: 09/683,233
Confirmation No.: 8299
Applicant: PONN, Helmut *et al.*
Atty. Ref.: 07574.0102.PCUS00

REMARKS

In response to the Office Action dated August 11, 2004, Applicant respectfully requests reconsideration based on the following remarks. Applicant respectfully submits that claims 1 - 8, as presented, are in condition for allowance.

REMARKS REGARDING DRAWINGS AMENDMENTS:

The Office Action includes objection to drawings under 37 CFR 1.83(a) requiring that the drawings show a locking or unlocking condition of the vehicle lock device. In response to the objection, Figures 1 and 2 have been cancelled. Request is made for entry of new Figures 1a, 1b, 2a and 2b in substitution thereof and which provide full illustration of the claim recitations. The replacement drawings do not add new matter to the application.

REMARKS REGARDING AMENDMENTS TO THE SPECIFICATION:

The specification has been amended at paragraphs [0007], [0008], [0009], [0013] and [0016] to reconcile the descriptive portion of the present application to the amended (new) Figures 1a, 1b, 2a and 2b that replace original Figures 1 and 2; no new matter has been introduced by these changes.

REMARKS REGARDING CLAIMS OBJECTIONS:

The Action objects to claims 1 and 9 as having improper antecedent basis for "the side;" the change to "a side" has been affected in each of those claims.

REMARKS REGARDING CLAIMS AMENDMENTS:

Claim 1 has been amended to recite that the "cable end [is] pointing towards the lock casing" and further that there is a "separation distance" between the cable end and the cable seat. The amendment of claim 1 finds support in e.g. original Figure 1 and current Figure 1a. It is believed that claim 1 and the claims that depend therefrom are in condition for allowance. Still further, it has been further recited that in the unlocked position, the cable end points toward the cable seat, while in the locked position, the cable end points away from the cable seat.

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REMARKS REGARDING NEW CLAIM 18:

Claim 18 has been added to recite the limitation that the Action cites as a “reason[s] for allowance.” Therefore, claim 18 which depends directly from claim 1 is allowable upon the same basis.

IN RESPONSE TO THE OFFICE ACTION:

This Response presents discussion of differences between the recited invention and US 6,092,845 (Koenig). A comparison of Applicants’ claimed recitations regarding the present invention and a summary of the teachings of Koenig are found in the table below, and primarily addresses cable end positioning relative to the cable seat in the locked position:

Comparison of the present invention with teachings of the reference (Koenig)

Claims Recitations of the Present Invention	Koenig U.S. 6,092,845
Amended claim 1 recites “a cable seat operatively connected to a catch and adjacent to the cable end, having a separation therefrom, - - -.”	Koenig teaches that the cable 94 either abuts or is attached to the cable seat 82. Neither condition suggests a separation between cable end and cable seat.

REJECTIONS UNDER 35 U.S.C. §102

The Office Action indicates rejection of claims 1 and 5 - 7 under 35 U.S.C. 102(e) as being anticipated by US Pat. No. 6,092,845 to Koenig. The actual statement of rejection is included for convenient review as follows:

Regarding claims 1, 5 and 7, Koenig discloses a vehicle lock device comprising a lock casing (20).

A cable sheath (90) is fixed in relation to the lock casing (at 86). A cable (94) is displaceable arranged in the cable sheath. An end of the cable is pointing towards the lock casing.

A cable seat (82) is operatively connected to a catch (50).

The lock device also includes a rotary bolt (20) and an element (110) for acting upon the end of the cable.

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The cable end is designed, by pushing down the other end of the cable, to be brought into engagement with the cable seat for actuation of the catch. The catch is used to disengage the rotary bolt in order to release a bolt (Col. 5, Lines 35 - 52).

The cable end is directed for engagement with the cable seat in the unlocked position and is directed to the side of the cable seat in the locked position (Col. 3, Line 59 to Col. 4, Line 9 and Lines 28 - 32).

For there to be anticipation under 35 U.S.C. §102, "each and every element" claimed by the present invention must be found either expressly or inherently described in United States Patent Number U.S. 6,092,845 (Koenig). The following discussion provides evidence that Koenig fails to satisfy the requirements of an anticipating reference since it does not teach or inherently describe all of the features required by claim 1 as presently presented.

The Office Action states that "[a] cable seat (82) is operatively connected to a catch (50)." Koenig teaches, at column 4, lines 10 - 12, that the cable seat (82) "is reciprocally received in a swivel tube (84), which supports and guides the rod or plunger (cable seat 82) - - - ." Further at column 4, lines 28 - 32 Koenig teaches, "a strand or cable (94) received therein (refers to a cable assembly (92) that has alignment with the swivel tube (84)), with one end either attached to or in abutting relation with rod or plunger (cable seat 82) - - - ." By reference to common dictionaries and thesauri, the predominant interpretation of the word "abutting" is synonymous with either supporting or joining, both of which include contact.

Claim 1 has been amended to recite that there is a separation distance between the cable end 4a and the cable seat 10 when the cable seat 10 is in the locked position. Koenig does not teach such a separation because the end of the cable (94) either abuts or has attachment to the rod or plunger (82), which the Examiner equates with a cable seat 10 according to the present invention.

In addition, one of ordinary skill in the art would conclude that both the rod or plunger (82) and the end of the cable (94) will both reside inside the swivel tube (84), for desired abutment or attachment to occur between the two. Such teaching of Koenig calls into question the Office Action statement that, "[t]he cable end is directed for engagement with the cable seat in the unlocked position and is directed to the side of the cable seat in the locked position."

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Still further, and as stated hereinabove, Applicants additionally recite that in the unlocked position, the cable end points toward the cable seat, while in the locked position, the cable end points away from the cable seat. This is a distinctly different structure from that disclosed in Koenig where the cable end is always pointing toward the cable seat, regardless of whether it is in the locked or unlocked position.

Given the above, Applicant believes that amended claim 1 is allowable and respectfully requests withdrawal of the rejection under 35 U.S.C. §102(e). Withdrawal of rejection of claims 5 - 7 is also requested since these claims depend from claim 1 and should likewise be allowable.

REJECTIONS UNDER 35 U.S.C. §103

The Office Action indicates rejection of claims 2 - 4 and 8 under 35 U.S.C. §103(a) as being unpatentable over US Pat No. 6,092,845 to Koenig in view of US Pat No. 4,691,584 to Takaishi et al. (Takaishi).

Previous discussion provides evidence that Koenig fails to teach all of the limitations of claim 1 of the present invention, as amended. This renders the combination with Takaishi flawed as a basis for rejection of claims which depend from claim 1 since the inclusion of Takaishi in the combination does not remedy the deficiencies cited hereinabove. Claims 2 - 4 and 8 of the present invention each depend from amended claim 1 and therefore also patentable under 35 U.S.C. §103(a).

Therefore, Applicants request the reconsideration and withdrawal of the rejection of claims 2-4 and 8 under 35 USC § 103 (a).

ALLOWABLE SUBJECT MATTER

The designation of claims 9-17 as being allowed is acknowledged with appreciation.

Applicant has made an earnest attempt to respond to all the points included in the Office Action. The amendment of claim 1 places claims 1 - 8 in condition for allowance. Consequently, request is respectfully made for reconsideration of the application and notification that claims 1 -

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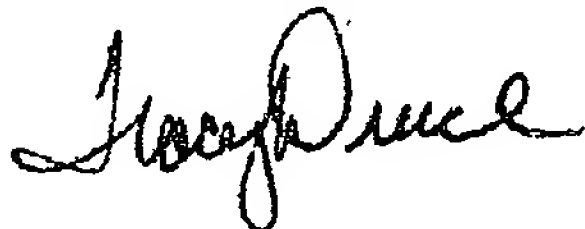
8 are allowed along with claims 9 - 17 that were previously allowed. New claim 18 is allowable because it incorporates the limitations that the Action cites as basis for the reasons for allowance of claims 9 - 17.

The undersigned representative requests any extension of time that may be deemed necessary to further the prosecution of this application.

The undersigned representative authorizes the Commissioner to charge any additional fees under 37 C.F.R. 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No. 14-1437, Order No. 07574.0102.PCUS00.

In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner should directly contact the undersigned by phone to further the discussion.

Respectfully submitted,



Tracy Druce
Patent Attorney
Reg. No. 35,493
Ph: 202.293.7333